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DATE:	<b>September 27, 2005</b>	TOTAL # OF PAGES: (INCLUDING THIS COVER SHEET)	<b>6</b>
TO:	<b>Examiner Sarah L. Purol</b>	FAX #:	<b>(571)-273-8300</b>
FIRM NAME:	<b>USPTO</b>	PHONE #:	<b>(571) 272-6834</b>
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## COMMENTS:

In Re Application of: Doug McCain  
Application No. 10/615,638  
Filing Date: 7/8/03  
For Wine Rack

Examiner: Sarah L. Purol  
Art Unit: 3634

Attached please find the following:

1. Transmittal (one page);
2. Statement of the Substance of Interview under 37 CFR 1.133(b) (4 pages)

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REFERENCE # 1682/US/2

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Attorney Docket Number

10/615,638; Confirmation 1429

7/8/03

Doug McCain

3634

Sarah L. Purol

1882/US

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Statement of the Substance of Interview under 37 CFR 1.133(b) (4 PAGES)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.63		
Remarks		
The Director is hereby authorized to charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17; credit any overpayments to Deposit Account No. 04-1415.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name DORSEY &amp; WHITNEY LLP

Signature

Printed name James A. Pluto

Date

9-27-05

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## CERTIFICATE OF TRANSMISSION/MAILING

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Laura S. Meiblum

Date

9/27/05

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PATENT  
Attorney Docket No. 1882/US/2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* application of:

DOUG MCCAIN

Examiner: PUROL, Sarah L.

Serial No.: 10/615,638

Art Unit: 3634

Filing Date: July 8, 2003

For: **WINE RACK**

**Statement of the Substance of Interview under 37 CFR 1.133(b)**

MAILSTOP: AMENDMENT  
Commissioner for Patents,  
P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the requirements of 37 C.F.R. § 1.133(b) and M.P.E.P. § 713.04, Applicant hereby provides the following Statement of the Substance of Interview as a written summary of the recent personal interview on August 30, 2005, between Examiner Sarah L. Purol, Applicant's attorney James A. Pinto and Applicant Doug McCain in the above-identified application.

**A Brief description of the nature of any exhibit shown or any demonstration conducted.**

A demonstration was conducted using an example of a wine rack according to an embodiment of the present invention. The Exhibit included a pair of frame elements attached to a wall surface, each frame member having support members extending substantially perpendicularly therefrom, the support members having recessed portions for supporting wine

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bottles. A set of wine bottles were placed in the rack to illustrate the general operation of an embodiment of the rack.

B. Identification of the claims discussed.

Claims 1, 6, and 9 were discussed.

C. Identification of the specific prior art discussed.

All of the prior art of record was reviewed and briefly discussed, including US Patent No. 4,998,631 to Fridjhon.

D. Identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner.

The principle proposed amendments discussed included adding limitations to independent claims 1 and 6.

As to claim 1, the proposed amendments included reciting that the first support member and the second support member each have a fixed end and a free end, the fixed end attached to the respective frame elements; reciting that the second frame element is in a substantially parallel relationship with the first frame element; and reciting that the first and second support members support the wine bottle in a substantially parallel relation to the wall.

As to claim 6, the proposed amendments included reciting that the first pair of support members support at least a first and second wine bottle in a first horizontal row, each support member of the first pair of support members having a first recess for supporting a portion of the

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first wine bottle and second recess for supporting a portion of the second wine bottle. The proposed amendments to claim 6 also included reciting that the second pair of support members for supporting at least a third and a fourth wine bottle are in a second horizontal row, each support member having a first recess for supporting a portion of the third wine bottle and a second recess for supporting a portion of the fourth wine bottle.

It was discussed that claims 9-20 should be cancelled without prejudice, for possible pursuit in a continuation application.

E. Brief identification of the general thrust of the principal arguments presented to the examiner (the identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)

The general thrust of the principal arguments presented to the Examiner were that the teachings of the prior art do not teach or suggest the elements recited in the proposed amendments to claims 1 and 6.

F. General indication of any other pertinent matters discussed.

It was also discussed that a Petition to Make Special based on Applicant's Health was granted in the present application.

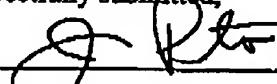
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G. If appropriate, the general results or outcome of the interview unless already described in the interview summary form completed by the examiner.

The Examiner indicated that the proposed claim language would be considered and that the Examiner would perform an updated prior art search. A specific agreement with respect to the claims was not reached.

September 24, 2005

Respectfully submitted,

  
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James A. Pinto, Attorney Registration No. 40,774  
DORSEY & WHITNEY LLP  
USPTO Customer No. 20686

4830-3883-67361